App. F. IX-4

1930

File No. 220-30

Previous References

S+A 175-06 (154)

Serial Nos. 1, 2

Later References

S&A 220-30 (3-15)
S&A 440-35 (1-5)
" 6-35 (1-4)
" 7-40 (1-2)
S&A 9-55 (1-2)

General and Revenue Secretariat.

Part B for January 31

SUBJECT.

Re the disposal of the Pallepar pension of Rs 572-0-4 drawn by the late Mr Ramalingappa naik of Gummanaikanapalya

S (no 2) No H 5951 d/28/1/31 To The Comptroller to Govt

Approves of the recommendations of the State Inquiry Officer and declares that Mr Narasimha naik be declared as the Head Karavadar, in place of deceased and to disburse the shares of the registered to each branch to the surviving members of the family

Secretariat S/A File No. 220 of 1930.

Serial No.

From Comptroller, No 2214 of 16.12.30

Forwards for orders the report of the Stake Huzur Treasury Officer on the disposal of the Pattipur pension of Rs 572-0-4 drawn by late Mr. Ramalingappa Naik of Gummanaikanahalya Family.

1) It is reported that Mr. Ramalingappa Naik - the head Karavarder - recognized by Govt. in G.O. of 21.5.1890, died on 13.6.1930.

2) In G.O. of 22.XI.1906 on the application of the deceased Ramalingappa Naik, the adoption of Mr. Narasimha Naik a grandson of his uncle for the continuance of the pension after his death - was recognized by Govt.

3) There are nearly 16 Sub-Sharers to the Vacant pension of which 11 members are in favor of the adopted son being registered as head member & 5 are against the proposal.

4) The Huzur Treasury Officer after enquiry recommends that the adopted son Narasimha Naik may be registered as head karavarder of the entire family pension (Rs.572-0-4) & he may be required to distribute the shares due to every member thereof, just as his adoptive father was doing with the proviso, that the share of the dissentient - Dodda Narasimha Naik - viz. Rs.7-8- may be deposited in the Treasury every

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8-7-30

every month by the Barawarder or his Agent & disbursed direct to him from the Treasury -

9) Submitted for orders with references.

13/1/31.

6) 14 The disputes in this case have apparently arisen from the private differences about Rs 10 & so not recognized by Govt, which, as the S.A. Try Officer says, is a matter for decision by a Court of Law if there is any contract. This matter is, however, outside the purview of Govt.

7) If Subbamma are prepared to have ~~him~~ as on Narasimha naik, the adopted son recognized by Govt of Ramalingappa naik deceased, while five have raised a dissentient voice, ~~and~~ but only two Subbamma & Dodda narasimha naik have stuck to their original idea of separate payment. Subbamma, having no issue has only a life interest in the pension, while the other seems to be the one person whose dissent will have to be considered.

8) In the result, the proposals made by the S.A.T.O. in the last para of his letter may be approved

15.1.31.

9) A. I. Ajee.

10) 3rd member) 16.1.31.

16/1/31

OFFICE OF THE THIRD MEMBER OF COUNCIL. 17 MAR. 1931 No. 3772

General and Revenue Secretariat | SH File No. 220 of 193 6.

Serial No.

1) Draft G.O. submitted for approval
Nwl W
22/1/31. 12) Revised typed draft submitted.
23
Nwl W
26/1

13) Draft approved
Nwl
26.1.31

14) Issued)
h.
26/1/31
Issue
26.1.31

2 To Comptroller, No 21595/4 28.1.31
Sanctioning the recommendation made by the D.M.T. Officer directing Mr Narasimha Naik as Head Baraboodaver

Ph
30/1

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

File No. of 193 General and Revenue Secretariat

S+A 220-30-1

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Comptroller's Office, Bangalore,

No. 214/S.H.Try Dated the 16th December 1930.

6688/31
23/12/30

Rajeevaparayana
B. Srinivasa Iyengar Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Financial Department, Bangalore.

I have the honor to forward herewith for orders of Government the report of the Officer in charge of the State Huzur Treasury on the disposal of the Pallegar pension of Rs. 572-0-4 enjoyed by the late Mr. Ramalingappa Naik, Pallegar of Gumma Naiknapalya.

I have the honor to be,
Sir,
Your most obedient servant,

S. Chamanna
Comptroller.

No.2048/S.H.T. dated 29th November 1930.

From

M.S. Ramachandra Rao, Esq., B.A.,B.L.,
Officer in charge of the
State Huzur Treasury, and
Khajana Bakshi, Bangalore.

To

S. Shamanna, Esq., B.A.,
Comptroller to the Govern-
ment of Mysore, Bangalore.

S i r,

I have the honour to report that Mr. G.Ramalingappa Naik who was recognised to be the head-barawardar of Gummanaikna-pallayam pallegar family in Government No.W.1308/140 dated 21/23-5-1890 died on 13-6-1930 at Gummallahalli, Bagepalli Taluk.

2. Under Government Order No.4187-8/421 dated 5/9-7-1891, the family pension which at the time, was only 381-5-7 was ordered to be distributed among the various members of the family as follows:

A)	115-1-7	Ramalingappa Naik already recognised as head of the family.
B)	45-0-0	Thimmappa Naik, Brother of No.1
C)	57-4-0	Subbappa Naik do.
D)	37-8-0	Dasappa Naik do.
E)	50-0-0	Narasimha Naik, nephew of No.1
F)	37-8-0	Krishnappa Naik, Brother of No.1
G)	45-0-0	Thimmappa Naik, minor adopted son of Ramappa Naik, I cousin of No.1

3. After a general increase of 50% was sanctioned in Government Order No.1985-6 G.F. 14-9-3 dated 30-7-1893, the total family pension was increased from Rs.381-5-7 to Rs.572-0-4 and the share of each member was also increased proportionately.

4. On 29-8-1906 Mr. Ramalingappa Naik the deceased head Barawardar applied to Government for permission to adopt Mr. Narasimha Naik, a grandson of his uncle whom he had brought up from childhood and also for the continuance of the family pension of Rs.572-0-4 after his death to his adopted son. It having been reported that all the sharers were

in pursuance of the policy laid down in Government Order No.1678 dated 29-10-1887 to accord sanction to the aforesaid adoption of Mr. Narasimha Naik by Ramalingappa Naik" in Government Order No.Fl.3722/S & A\75-06-4 dated 22-11-1906. Mr. Narasimha Naik was accordingly adopted on 2-3-1907.

5. Mr. Ramalingappa Naik, while alive, applied to this office in his petition dated 9-9-1929 that his adopted son Mr. Narasimha Naik might be registered as the head barawardar and permitted to execute the duties of the office as he was getting old. This was followed by another petition on 18-9-1929 signed by eleven of the sharers as detailed below, stating that they have no bbjection to Ramalingappa Naik's request being complied with. The request was opposed by five sharers as detailed below.

FOR:-- 1) Bangarappa Naik (H), son of B
2) Chikkanarasimha Naik (I), son of F
3) Subbamma (J), wife of the 3rd son (deceased) of C
4) Bangara Naik (K) (dead), C's second son
5) Rangappa Naik (P), C's second son by II Wife.
6) Lakshmamma (R)) G's daughters-in-law
7) Ramakka (S))
8) Venkatanarasamma (Q) Wife of Narayanaswami the 1st son of C's 2nd wife
9) Venkatappa (O), son of Dasappa, D's only son
10) Gumma Naik (L), F's son
11) Venkatappa Naik, son of Narasimha Naik the only son of E (T)

Against:--

1) Chikkanarasimha Naik (No.2 supra)
2) Subbamma (No.3 supra)
3) Doddanarasimha Naik, step-brother of A
4) Narayanaswami (U), B's grandson
5) Gumma Naik (No. 10 supra)

6. Subsequently, in a petition dated 25-9-1929 Mr. Dodda Narasimha Naik (M) son of Vasantha Naik step-brother of Ramalingappa Naik (A) opposed the request making certain insinuations against Narasimha Naik (N) and requesting that his share at least may be registered and paid to him separately. This was followed by another petition to the same effect on 8-1-1930.

Messrs. Chikka Narasimha Naik (I) and Gumma Naik (L) who had assented to Mr. Ramalingappa Naik's (A) request on 18-9-1929 (vide para 5 supra) withdrew their consent subsequently in a petition dated 3-2-1930.

were forwarded to the Deputy Commissioner, Kolar District, for local investigation and report with my letter No.3290/ S.Try dated 18-1-1930. The Deputy Commissioner caused a local enquiry to be made by the Amildar of Bagepalli and forwarded the latter's report in original with his letter No.L.Dis M4-C 2330/29-30 dated 8-7-1930 from which it is seen that out of 14 persons examined by the Amildar the marginally noted ten persons are agreeable to the arrangement proposed by Mr. Ramalingappa Naik while four are against it. The dissentients are Dodda Narasimha Naik (M), Gumma Naik (L), Chikka Narasimha Naik (I) and Subbamma (J). In spite of the majority (ten persons) being agreeable, the Amildar opines that the proposed head barawardar Mr. Narasimha Naik (N) may not be capable of managing the post if given to him. This is a gratuitous assumption on the part of the Amildar, and it is not supported by any evidence.

1. Bangara Naik (H)
2. Venkatappa (O)
3. Bangarappa Naik (K)
4. Subramhnappa) Sons of (K)
   Subbappa)
5. Rangappa Naik (P)
6. Vankatanarasamma (Q)
7. Lakshmamma (R)
8. Ramakka (S)
9. Venkatappa Naik (T)
10. Narayanaswamy (U)

8. On 26-7-1930 Gumma Naik (L) and Chikka Narasimha Naik (I) presented a petition to me in person complaining that the proposed head-barawardar Mr. Narasimha Naik (N) had not disbursed to them their share of the family pension for the month of May 1930. On enquiry it transpired that on the authority of some private arrangement they were claiming 10-8-0 more than what is legitimately due to them under the Government Order of 30-7-1893 referred to at para 3 supra, which of course, the head-barawardar very naturally declined to give. Subsequently they seem to have composed their differences; and in a statement in writing given before me on 6-8-1930, they have withdrawn all their complaints, and declared that they have no objection to the registry of the whole family pension of 572-0-4 in the name of Mr. Narasimha Naik (N) and their receiving their share of the pension

which was received here on 16-8-1930, by registered post they have reverted to the dispute about 10-8-0 above referred to, and requested that the head-barawardar may be directed to include the afore-said amount in their share during future disbursements. As already stated, this sum of Rs.10-8-0, is not included in the share allotted to each member in the Government Order of 3-7-1893 referred to at para 3 supra ; but rests entirely on a private arrangement between the parties. As such neither Government nor the Khajana Bakshi can be expected to enforce the specific performance of this private contract. They will have to seek relief in a proper court of law.

9. It will thus be seen that except Subbamma (J) and Dod Narasimha Naik (M), all the other sharers have no objection to Mr. Narasimha Naik (N) being registered as the head-barawardar, for the entire family pension and their shares being paid to them through him.

10. As regards the dissentients, it will be seen from a copy of the geneological tree appended that Subbamma (J) has no locus standi, because she is the wife of Ramaswami Naik (deceased) the 3rd son of Subbappa Naik (C) the uncle of Ramalingappa Naik (A) and she has no issue. Consequently she has got only a life interest in the pension. Besides the other male descendents of Subbappa Naik (C), have no objection. In the circumstances her objection does not deserve any consideration.

The other dissentient Mr. Dodda Narasimha Naik (ill) happens to be the step-brother of the deceased Ramalingappa Naik (A), and has therefore almost the same status as the latter. His wishes cannot therefore be altogether ignored.

11. From what has been stated at para 4 supra, it will be seen how Mr. Narasimha Naik's adoption has already been sanctioned in Government Order No.Fl.3722/S & A 175-06-4 dated 22-11-1906. In the course of the same order it is stated that the deceased Ramalingappa Naik (A) wanted per-

permission not only to adopt Mr. Narasimha Naik (N) but also desired that the family stipend of Rs.572-0-4 may be registered and continued in the latter's name, after his death; and that all the sharers were agreeable to this arrangement." Although no orders have been specifically passed by Government in respect of this point, it has generally been the policy of Government to treat these stipends more or less on the footing of impartible estates governed by the law of primogeniture, and consequently to register the entire amount in the name of a single head and make him responsible for the proper disbursement of the share of each branch or number as may have been determined by Government.

12. In pursuance of the above policy and having regard to all the other circumstances of the case, I recommend that Mr. Narasimha Naik (N) may be registered as the head-barawardar of the entire family pension of 572-0-4 in the place of the deceased Ramalingappa Naik and he may be required to disburse the shares of each branch to the surviving members thereof just as his deceased adoptive father was doing, with the proviso, that the share of the dissentient Dodda Narasimha Naik (M) referred to in para 10 supra, viz. 75 Rupees, may be ordered to be deposited in the Treasury every month by Narasimha Naik (N) or his agent and disbursed direct to him from the Treasury.

I have the honour to be,
Sir,
Your most obedient servant,
M.S. Ramachandra Rao
13/12/30
Officer in charge of the State
Huzur Treasury.

SK)

Letter of papers sent to Government

Letter from the report of the officer in Charge of the State Treasury Treasury Bangalore on the Disposal of Pattigan pension of Rs 572-0-4 enjoyed by the late Mr. Ramalingappa Nayaka Pattigan of Gummanayakanapalya -

1 Report No L Dis M.C 2330/29-30 dated 8.7.30 from the Deputy Commissioner, Kolar District.

2 Report No 32 /29-30 Dated 16.6.30 of the Amildar Bagepally Taluk To the Dy Commr Kolar.

3 Petition dated 14.6.30 of Venkatappa to the Amildar

4 Extract of the Amildars Bagepalli.

5 Survey sketch.

6 Letter No 3290 Dated 28.2.30 from this office to the D.C. Kolar &c.

7 Petition dated 18.9.29 from the Pattigars

8 " " 25.9.29 " Narasimha Naik.

9-10 Petition dated 14.10.29 from Gummanayak & Chikka Narasimha Naik.

11 Petition dated 9.9.29 from Ramalingappa Naika Head Baraksadar.

12-20 Correspondence that has taken place between the Amildar and the Revenue Inspectors of his Taluk in Enquiry the Summons &c.

21 Statement dated 29.5.30 of Ramalingappa Naik taken before the Amildar Bagepalli Taluk.

22 - Do - - Do - of Narasimha Naik.

23 - Do - - Do - of Venkatappa Naik.

24 - Do - - Do - of Bhangarappa Naik & three others

25 - Do - - Do - of Venkatanarayanamma & two others.

26-27 Memorandum by the Revenue Inspector to the Amildar.

28-30 Copy of the Pattam of Subbayya presented to the Amildar by Dodda Narasimhanaik.

31 Statement of Narasimha naick taken before the Amildar on 8.6.30.

32 Statement of Chikkanarasimha naick taken before the Amildar on 8.6.30.

33. Genealogical list.

34 Statement of Banjara naick & two others taken before the S. H. J.O. on 4.1.30.

35 Statement of Ramalingappa naick and his accepted son taken before the S.H.J.O. on 4.1.30.

36 Petition dated 8.1.30 of Narasimha naick.

37. Petition dated 3.2.30 from Ramanaick and Chikkanarasimhanaick.

38.39 Copies of the certain documents viz of Karara dated 22.8.1913 between narasimha naick and Krishnappanaick.

40 Petition dated 19.6.30 of Narasanaicken naick requesting the award of the Amildar on 13.6.1930

41. Petition dated 2.8.30. from 14 Sub Bandarambas

42 Petition dated 6.8.30 of Narasimha naick before the S. H. J.O.

43 Petition dated 26.7.1930 from narasimhanaick and Ramanaick.

44 & 45 Two postal receipts

46 Statement taken before the S.H.T.O on 6.8.30. of Ramana naick & Narasimhanaick

47 & 48. Petition dated 9.8.30 from Narayana Gowda

49 Genealogical list.

50 Petition dated 14.8.30 from Ramanaick and Chikkanarasimhanaick.

M.P. Ramachandra
Officer in charge
of Khajane Bhakshi
State Treasury

18.12.30 Rolls

Vasanthā Naik.

Kadaripalli Naik. | G. Ramappa Naik.

F. Thimmappa Naik adopted Died.

I wife | II wife.

R Lakshmakka | S Ramakka.

Daughter Rama Lakshamamma.

1, 2, 3 & 4 by I wife
5 & 6 by II wife.

1 | 2 | 3 | 4 | 5 | 6

Narasimha Naik | B. Thimmappa Naik | C. Subbappa Naik | Venkatappa Naik. | Vasanthā Naik. Dead | J. Krishnappa. Dead

A Ramalingappa Naik. Dead

N Narasimha Naik. Adopted

H Bangarappa. | Ramadasappa. Dead

U Narayana Swami.

D Dasappa Naik Dead

G Venkatappa Naik

M Doddaraasimha Naik.

L Timmappa | Chikka narasimha Naik.

Lakshamamma. | Papamma.

E Narasimha Naik. Dead | K. Bangara Naik Dead | Ramaswami Naik Dead | Thimmappa Naik. adopted to Ramappa Naik

O Venkatappa Naik

J. Subbamma.

P Ranganna Naik

Narayanaswami Dead

Q Venkatanarasamma.

Subbanarayappa | Subbappa.

M Ramachandrudu
Officer in charge, State Hereditary Treasury

BRR
10.12.30.

MAHARAJA OF MYSORE.

*****

READ:-

G.O.No.W.1308/140 dated 21st May 1890 recognising Mr.G.Ramalingappa Naik as the Head Baravardar of Gummanaikanapallayam Pallegar Family.

2. G.O.No.4187-8/421 dated 5-7-1891 ordering the distribution of the Pallegar pension among the various members of the family in certain proportions.

3. G.O.No.Fl.3722/S.&A.175-06-4 dated 22-11-1906 according sanctioning the adoption of Mr.Narasimha Naik by Mr.Ramalingappa Naik ~~for the succession to the family pension drawn by him~~.

4. Letter No.2214/S.H.T. dated 16-12-30 from the Comptroller forwarding for orders the report of the State Huzur Treasury Officer regarding the disposal of the Pallegar pension of Rs 572-0-4 drawn by late Mr.Ramalingappa Naik of Gummanaikanapalya, ~~and stating that the Head Baravardar Mr.Ramalingappa Naik~~ who died on 13-6-1930 ~~and~~ that after holding an enquiry in regard to the several claimants to the pension in respect of the registration of the adopted grandson of the deceased Mr.Narasimha Naik as Head Baravardar to the faily, he is of ~~the~~ opinion that this grandson may be recognised and registered as the Head Baravardar of the entire monthly family pension of Rs 572-0-4, subject to the provisions that the several shares should be disbursed to the respective claimants as was hitherto being done ~~by his adoptive father~~ but that the share payable

to the Dodda Narasimha Naik, step-brother of the deceased, viz., Rs 75/- should be arranged to be deposited in the Treasury monthly and paid to the party concerned direct by the Treasury.

ORDER NO: FL: 5951/ Elu/SHA 220 — 30 — 2

Dated, Bangalore, the 28.1.31

~~After a perusal of the records of enquiry and an examination of the cases~~, Government are pleased to approve of the recommendations of the State Huzur Treasury Officer, and direct that Mr. Narasimha Naik be registered as the head branch of the entire family pension of Rs 572-0-4 in place of the late Ramlinga Appa Naidu, Mr. Narasimha Naik shall distribute the shares of each branch to the deserving members of the family, just as the deceased was doing, except that the sum of Rs 75 payable to Dodda Naik in lieu of his step-brother deposited in the Treasury for disbursement to the Barawadar is directed to the payee of the pension.

Finl. Secy. to Govt.

26/1/31

To

The Comptroller to Government
with the records.

26/1/31

THE MAHARAJA OF MYSORE

Read:-

Government Order No.W.1308/140 dated 21st May 1890 recognising Mr.G.Ramalingappa Naik as the Head Baravardar of Gummanaikanapalyam Pallegar Family.

2. Government Order No.4187-8/421 dated 5th July 1991 ordering the distribution of the Pallegar pension among the various members of the family in certain proportions.

3. Government Order No.Fl.3722/S.& A.175-06-4 dated 22nd November 1906 according sanction to the adoption of Mr.Narasimha Naik by Mr.Ramalingappa Naik.

4. Letter No.2214/S.H.T. dated 16th December 1930 from the Comptroller, forwarding for orders the report of the State Huzur Treasury Officer, regarding the disposal of the Pallegar pension of Rs 572-0-4 drawn by the late Mr.Ramalingappa Naik of Gummanaikanapalya, who died on 13th June 1930.

ORDER NO: FL: 5-951 / ~~28~~ 222-30-2
28

Dated, Bangalore, the ~~25~~th January 1931.

Government are pleased to approve of the recommendations of the State Huzur Treasury Officer and direct that Mr.Narasimha Naik be registered as the Head Baravardar of the entire family pension of Rs 572-0-4 in place of the deceased Ramalingappa Naik. Mr.Narasimha Naik should disburse the shares of each branch to the surviving members thereof, just as the deceased was doing, except that the sum of Rs 75 payable to Dodda Narasimha Naik should be deposited by the Baravardar in the State Huzur Treasury for disbursement direct to the payee therefrom.

Sd/- [illegible]

For Financial Secretary to Government.

To

The Comptroller to Government with the records.